

## CHAPTER 297

## RULES OF CIVIL PROCEDURE

In The Matter Of The Rules Of Civil Procedure	Report Of The Supreme Court Of The State Of Iowa
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*To the Fifty-fifth General Assembly of the State of Iowa:*

1 In accordance with sections 684.18 and 684.19, Code of Iowa, 1950,  
2 the supreme court of Iowa has prescribed and herewith reports to  
3 you rules of practice and procedure in the nature of amendments to  
4 the following designated Rules of Civil Procedure heretofore pre-  
5 scribed:

**RULE 248**

6 Rule 248 is amended by adding thereto:  
7 Motions under rules 243 and 244 may be joined or made separately.  
8 If the motion under rule 243 is sustained, the sustaining thereof shall  
9 be deemed a denial of the motion under rule 244. Upon an appeal by  
10 any party from an order sustaining a motion under rule 243 the  
11 supreme court may, if the matter is argued, also review such denial  
12 of the motion under rule 244 without the necessity of an appeal there-  
13 from.

**RULE 250**

14 Rule 250 is amended by adding thereto:  
15 Any such term or condition or judgment entered pursuant thereto  
16 shall be deemed of no force and effect and the original judgment  
17 entered pursuant to rule 223 shall be deemed reinstated in the event  
18 of an appeal.

**RULE 342(a)**

19 Rule 342(a) is amended by adding thereto:  
20 The clerk shall also enter in the appearance or combination docket  
21 in his office the date of filing and of mailing to the clerk of the  
22 supreme court.

**RULE 343**

23 Rule 343 is amended by striking the last two sentences of the  
24 first paragraph thereof and substituting:  
25 The clerk shall indorse upon the "service copy" his certificate of  
26 such filing and mailing, and mail it, so indorsed, to the clerk of the  
27 supreme court. The clerk shall also enter in the appearance or com-  
28 bination docket in his office the date of filing and of mailing to the  
29 clerk of the supreme court.

**CERTIFICATE**

30 I, William A. Smith, do hereby certify that I am the Chief Justice  
31 of the Supreme Court of Iowa; that the foregoing amendments to  
32 the Rules of Civil Procedure were adopted and approved by the

33 Supreme Court of Iowa and were reported to the Fifty-fifth General  
 34 Assembly on January 29th, 1953, pursuant to Code Section 684.18  
 35 and 684.19 of the 1950 Code of Iowa by delivering same to the Secre-  
 36 tary of the Senate and to the Chief Clerk of the House of Repre-  
 37 sentatives on said date.

(S) William A. Smith  
 Chief Justice of the Supreme  
 Court of Iowa.

ATTEST:

(S) Helen O. Galvin  
 Clerk of the Supreme Court of Iowa.

ACKNOWLEDGMENTS

38 I, Carroll Lane, Secretary of the Senate of the State of Iowa, here-  
 39 with acknowledge delivery to me on January 29, 1953, of the above  
 40 mentioned report of the Supreme Court of the State of Iowa per-  
 41 taining to amendments to the Rules of Civil Procedure.

(S) Carroll Lane  
 Secretary of the Senate,  
 Fifty-fifth General Assembly  
 of the State of Iowa

42 I, A. C. Gustafson, Chief Clerk of the House of Representatives of  
 43 the State of Iowa, herewith acknowledge delivery to me on January  
 44 29, 1953, of the above mentioned report of the Supreme Court of the  
 45 State of Iowa pertaining to amendments to the Rules of Civil Pro-  
 46 cedure.

(S) A. C. Gustafson  
 Chief Clerk, House of Representatives  
 of the State of Iowa.

CERTIFICATE

47 I, Leo Elthon, do hereby certify that I am the President of the  
 48 Senate of the Fifty-fifth General Assembly of the State of Iowa;  
 49 and I, Carroll Lane, do hereby certify that I am the Secretary of the  
 50 Senate of the Fifty-fifth General Assembly of the State of Iowa, and  
 51 we do hereby jointly certify that as such President and Secretary  
 52 that on the 29th day of January, 1953 the Supreme Court of the State  
 53 of Iowa reported to said Senate, and filed with it, the attached and  
 54 foregoing modifications, amendments, revisions and additions to the  
 55 Rules of Civil Procedure, heretofore reported by said Supreme Court  
 56 to the Fiftieth General Assembly of the State of Iowa;

57 THAT the date of making said report to the Fifty-fifth General  
 58 Assembly was within the twenty days subsequent to the convening of  
 59 the regular session of the Fifty-fifth General Assembly;

60 THAT no other report pertaining to the Rules of Civil Procedure  
 61 was made or filed by said Supreme Court with said Senate;

62 THAT no other or different changes, modifications, amendments,  
 63 revisions or additions to the Rules of Civil Procedure were made  
 64 or enacted at such regular session of said Fifty-fifth General Assem-  
 65 bly.

66 Signed this 22nd day of April, 1953, being the last legislative day  
67 of the Fifty-fifth General Assembly.

(S) Leo Elthon, President  
(S) Carroll Lane, Secretary

SENATE  
Fifty-fifth General Assembly  
of the State of Iowa

CERTIFICATE

68 I, William S. Lynes, do hereby certify that I am the Speaker of  
69 the House of Representatives of the Fifty-fifth General Assembly of  
70 the State of Iowa; and I, A. C. Gustafson, do hereby certify that I  
71 am the Chief Clerk of the House of Representatives of the Fifty-fifth  
72 General Assembly of the State of Iowa, and we do hereby jointly  
73 certify that as such Speaker and Chief Clerk that on the 29th day  
74 of January, 1953 the Supreme Court of the State of Iowa reported  
75 to said House of Representatives, and filed with it, the attached and  
76 foregoing modifications, amendments, revisions and additions to the  
77 Rules of Civil Procedure, heretofore reported by said Supreme Court  
78 to the Fiftieth General Assembly of the State of Iowa;

79 THAT the date of making said report to the Fifty-fifth General  
80 Assembly was within the twenty days subsequent to the convening  
81 of the regular session of the Fifty-fifth General Assembly;

82 THAT no other report pertaining to the Rules of Civil Procedure  
83 was made or filed by said Supreme Court with said House of Repre-  
84 sentatives;

85 THAT no other or different changes, modifications, amendments,  
86 revisions or additions to the Rules of Civil Procedure were made or  
87 enacted at such regular session of said Fifty-fifth General Assembly.

88 Signed this 22nd day of April, 1953, being the last legislative day  
89 of the Fifty-fifth General Assembly.

(S) William S. Lynes, Speaker  
(S) A. C. Gustafson, Chief Clerk  
HOUSE OF REPRESENTATIVES  
Fifty-fifth General Assembly  
of the State of Iowa